

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Ninth Congress

January 20, 2005

The Honorable Jim Petro
Attorney General
State of Ohio
State Office Tower
30 E. Broad Street, 17th Floor
Columbus, OH 43215

Dear Attorney General Petro:

I write to express my concern regarding your recent request to sanction those attorneys who brought a legal challenge to last year's presidential election in Ohio. In particular, I am concerned that by seeking official censure and fines, you are engaged in a selective and partisan misuse of your legal authority. As eager as many disgruntled voters are to have a court of law finally assess the merits of the challenge actions, I have serious doubts about the validity of the sanctions case your office is pursuing.

As an initial matter, one would be hard pressed to see how the legal challenges brought under the Ohio election challenge statute were "frivolous." First off, it is widely known that the Ohio presidential election was literally riddled with irregularities and improprieties, many of which are set forth in the 102 page report issued by the House Judiciary Committee Democratic Staff.¹ As a matter of fact, the problems were so great that Congress was forced to debate the first challenge to an entire state's slate of electors since the federal Electoral Count law was enacted in 1877. In short, there is more than an abundant record raising serious, substantive questions about the Ohio presidential election.

It is also noteworthy that the Ohio Secretary of State intentionally delayed certifying the vote, thereby insuring that the recount could not be completed by the date the electoral college met on December 13. The Ohio Secretary State also refused to respond to numerous questions regarding the irregularities submitted to him by several members of the House Judiciary Committee, has refused to respond to a single concern set forth in the Judiciary Report, and also sought a protective order to avoid any discovery related to the legal challenges. In short, Ohio

¹See, e.g., www.house.gov/judiciary_democrats.

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election officials have compounded public doubt concerning the election by refusing to provide any sort of accountability and acting in almost every respect as if they have "something to hide."

Given this context, and to help assure the public that you are not selectively pursuing sanctions in these cases for partisan reasons, I would respectfully request that you provide the House Judiciary Committee and the public with an itemization of all sanctions cases brought and considered by your office since January 2003. In addition, I would ask that you provide to us and make public an itemization of cases you have considered and pursued under Ohio's campaign and election laws since January 2003. Finally, I would like to receive an estimate of the costs you would expect to expend of Ohio taxpayer funds to pursue the sanction case you are seeking against Mr. Fitrakis, Susan Truitt, Cliff Arnebeck, and Peter Peckowsky.

If you believe the election challenge case should not have been brought, I would suggest the more appropriate course of action may be revisiting the law with the Ohio legislature, rather than pursuing far-fetched sanction cases which on their face would appear to be overtly partisan in nature.

I would appreciate it if you would respond to me through my Judiciary Committee staff, Perry Apelbaum and Ted Kalo, 2142 Rayburn House Office Building, Washington, D.C. 20515 (tel. 202-225-6504, fax 202-225-4423) by no later than January 27. Thank you.

Sincerely,



John Conyers, Jr.
Ranking Member
House Judiciary Committee

cc: Honorable F. James Sensenbrenner, Jr.
Chairman, House Committee on the Judiciary

Supreme Court, State of Ohio

Ohio Bar Association